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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,842	01/11/2002	Issam Raad	UTSC:669US	7921

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EXAMINER

JASTRZAB, KRISANNE MARIE

ART UNIT	PAPER NUMBER
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1744

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/044,842

Applicant(s)

RAAD ET AL.

Examiner

Krisanne Jastrzab

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8,35,69-71,73-77 and 91-113 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8,35,69-71,73-77 and 91-113 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/25/2006 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 5-6, 35, 69-73, 91-94, 103-104, 106-107 and 112-113 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Dangman et al., U.S. patent No. 5,335,373.

Dangman et al., teach polymeric medical gloves which constitute hospital equipment, which are constructed to contain an admixed antiseptic and dye composition which is applied to both the inorganic surface of the glove as well as the organic surface of the user's hand when the glove is punctured. The composition can include dyes such

as FD & C Yellow No.s 5 and 6 or FD & C Blue No. 2, and antiseptics such as chlorhexidine, chloroctoxynol and triclosan and the components of the gloves can be from inorganic materials such as polymers or organic materials such as silk fibers. See column 19, lines 30-56, column 22, lines 20-60 and column 28, lines 35-56.

Claims 1-2 and 74 are rejected under 35 U.S.C. 102(e) as being anticipated by Harper et. al. [U.S. Patent Publication No. 2005/0049306].

Regarding claim 1, Harper et. al. teach an antiseptic composition comprising a basic reagent (chlorhexidine; See p. 2, [0011]) and a dye (indigoid dye; See p. 11, [0148]).

Regarding claim 74, Harper et. al. teach a method for disinfecting and/or sterilizing a fluid comprising adding a composition comprising a basic reagent and a dye of claim 1 into the fluid (See p. 3, [0033]).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dangman et al., as applied to claims 1-2, 5-6, 35, 69-73, 91-94, 103-104, 106-107 and 112-113 above, and further in view of by Parikh et. al. U.S. Patent No. 6,123,926.

Parikh et. al. teach an antiseptic composition comprising a basic reagent (octenidine; See col. 5, line 18-19) and a dye (coloring agents; See col. 5, lines 47-62).

It would have been obvious to one of ordinary skill in the art to employ any known, recognized antiseptic in the composition of Dangman et al., such as octenidine as taught in Parikh et al., because it is recognized as a functional equivalent of chlorhexidine.

Claims 4, 95-96, 99-100, 105 and 109-111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dangman et al., as applied to claims 1-2, 5-6, 35, 69-73, 91-94, 103-104, 106-107 and 112-113 above, and further in view of Houze et al., U.S. Patent Publication No. 2004/0018241.

Houze et. al. teach an antiseptic composition comprising a basic reagent (guanidines, such as alexidine and chlorohexidine; See p. 13, [0250]) and the known and expected inclusion of dye (gentian violet; See p. 6, [0101]).

It would have been well within the purview of one of ordinary skill in the art to substitute either the antiseptic or the dye with any known and recognized functional equivalent including clofoctol or genetian violet as shown as state of the art by Houze et al.

Claims 7-8, 96-97, 101-102 and 108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dangman et al., as applied to claims 1-2, 5-6, 35, 69-73, 91-94, 103-104, 106-107 and 112-113 above, and further in view of Kirk-Othmer Encyclopedia of Chemical Technology, 3rd Ed., vol. 5, pp. 857-884.

Dangman et al., recite a number of acceptable dyes and note that the list is non-limiting and that any recognized dyes may be used therefor.

Kirk-Othmer Encyclopedia of Chemical Technology provides a list of all FD&C and D&C colorants and their corresponding chemical structures. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate any of the FD&C colors – including brilliant green – into Dangman et. al. because such FD&C and D&C dyes in effective amounts serve as coloring agents to produce the antimicrobial composition of the desired color, as desired in Dangman et. al.

Claims 75-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harper et al., as applied to claims 1-2 and 74 above.

With respect to claims 75-77, Harper et al., clearly teaches the treatment of fluids and it would have been well within the purview of one of ordinary skill in the art to apply that treatment to any fluid in need of disinfection.

Response to Arguments

Applicant's arguments with respect to claims 1-8, 35, 69-71, 73-77 and 91-113 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisanne Jastrzab whose telephone number is 571-272-1279. The examiner can normally be reached on Mon.-Thurs. 6:00am-4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Krisanne Jastrzab
Primary Examiner
Art Unit 1744

January 8, 2007